

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Sergio Saavedra

Respondent

Civil Citation No. 10-CO0015645

924 Shirley Manor Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 18, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) Article 13 Title section 13-7-201 (a)(2)(b)(c); 13-7-313(b); 13-7-315 on residential property known as 924 Shirley Manor Road, 21136.

On August 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Shelley Jones-Wilson issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$11,600.00 (eleven thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued June 9, 2010 for stagnant water in swimming pool in the rear yard. This Citation was issued August 6, 2010.

B. Photographs in the file show an above-ground swimming pool containing stagnant water. Notes in the file by DEPRM Inspector Shelley Jones-Wilson state that inspections in June 2010 and August 2010 found stagnant water and that the pool was partly drained but has not been properly covered so, rainwater collects in the pool. Photographs show a shredded cover hanging in the pool.

C. The stagnant water in the swimming pool must be abated. Property owners must maintain their premises in a clean, safe and sanitary condition free from infestation. Baltimore County Code Section 35-5-302. Stagnant water as observed here breeds mosquitos and other public health hazards. This Citation will be enforced, and the County will be authorized to treat the water to prevent mosquito breeding and also to dismantle the pool to prevent ongoing violations, at the expense of the property owner. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by September 20, 2010, with the pool either emptied and dismantled or properly covered and operated to prevent collection of stagnant water.

IT IS FURTHER ORDERED that at any time after the date of this Order, the Department of Environmental Protection & Resource Management may treat the stagnant water to prevent mosquito breeding, at the expense of the property owner.

IT IS FURTHER ORDERED that after September 20, 2010, the County may enter the property for the purpose of emptying and dismantling the above-ground pool to prevent continued stagnant water violations on this residential property, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 2nd day of September 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer